



12/26/01

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

01-04-02



Docket No. A-71249/RMS/DCF

Anticipated Classification of  
this Application:

Class: Subclass:

Prior Application:

Examiner:

Art Unit: 1645

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NUMBER EL 758644459 USDATE OF DEPOSIT December 26, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
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COMMISSIONER FOR PATENTS, WASHINGTON, DC 20231.

TYPED NAME Barry L. Kerner

SIGNED

**Box PATENT APPLICATION**Assistant Commissioner for Patents  
Washington, DC 20231

Sir,

This is a request for filing an

- ☐ Original
- ☐ Continuation
- ☐ Divisional
- ☒ Continuation-in-part

application under 37 C.F.R. 1.53(b), in the name of David MORRIS and Eric ENGELHARD, for  
NOVEL COMPOSITIONS AND METHODS FOR CANCER.

1. (a) ☐ Enclosed is a new application.
- (b) ☒ Enclosed is a continuation-in-part application.
- (c) ☐ Enclosed is a copy of the prior application.
  
2. (a) ☐ Enclosed is a new Declaration.
- (b) ☐ Enclosed is a copy of the prior executed Declaration as originally filed.
- (c) ☐ Enclosed is a Combined Declaration/Power of Attorney.

3. (a)      Enclosed is a Small Entity Affidavit.  
 (b) X A Small Entity Affidavit is of record in the prior application.

4.      The filing fee is calculated below:

Claims as filed in the prior application, less any claims canceled by amendment below:

	(Col. 1)	(Col.2)	<u>SMALL ENTITY</u>			<u>OTHER THAN A SMALL ENTITY</u>	
For:	<u>No. Filed</u>	<u>No. Extra</u>	<u>Rate</u>	<u>Fee</u>	<u>Or</u>	<u>Rate</u>	<u>Fee</u>
Basic Fee				\$ 370.00			\$740.00
Total Claims	<u>19</u> - 20 =	<u>  0  </u>	<u>  0  </u> x 9 =	\$ <u>    .00</u>	OR	<u>    </u> x \$18 =	\$ <u>    </u>
Indep Claims	<u>14</u> - 3 =	<u> 11 </u>	<u> 11 </u> x 42 =	\$ <u>154.00</u>	OR	<u>    </u> x \$84 =	\$ <u>    </u>
[ <u>  </u> Multiple Dependent Claims			+ \$140 =	\$ <u>    .00</u>	OR	+ \$280 =	\$ <u>    </u>
<b>Total</b>				<u>\$ 524.00</u>			<u>\$ <u>    </u></u>

\* If the difference in Col. 1 is less than zero, enter "0" in Col. 2.

5. X NO check is enclosed.

6.      Our check in the amount of              is enclosed.

7.      The Commissioner is hereby authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 06-1300 (Order No. A-71249/RMS/DCF).

8.      Cancel in this application original claims                      of the prior application before calculating the filing fee. (At least one independent claim must be retained for filing purposes.)

9.      Amend the specification by inserting before the first line the sentence:

10. (a) \_\_\_ Informal drawings are enclosed, \_\_\_ sheets.  
(b) \_\_\_ Formal drawings are enclosed, \_\_\_ sheets.
11. (a) X Claims benefit of U.S. Application Serial Nos. 09/747,377, filed December 22, 2000; and 09/798,586, filed March 2, 2001; and Novel Compositions and Methods for Cancer, filed October 23, 2001 (serial no. unknown); Novel Compositions and Methods for Cancer, filed November 8, 2001 (serial no. unknown); Novel Compositions and Methods for Cancer, filed November 30, 2001 (serial no. unknown), and Novel Compositions and Methods for Cancer, filed December 20, 2001 (serial no. unknown).
- (b) \_\_\_ The certified copy has been filed in prior application Serial No. \_\_\_\_\_ filed on \_\_\_\_\_.
12. \_\_\_ An Assignment is enclosed.
13. \_\_\_ The prior application is assigned of record to \_\_\_\_\_.
14. \_\_\_ A Power of Attorney by Assignee is enclosed.
15. X The power of attorney in the prior application is to:  
FLEHR HOHBACH TEST ALBRITTON & HERBERT, LLP  
(a) \_\_\_ The power appears in the original papers in the prior application.  
(b) \_\_\_ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.  
(c) X Address all future communications to:

Robin M. Silva, Esq.

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP  
Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187  
Telephone: (415) 781-1989

16. ☐ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)
17. ☐ A Prior Art Statement is enclosed.
18. ☐ A Sequence Listing is enclosed (comprising a communication, computer readable sequence listing, and paper copy thereof).
19. ☐ I hereby verify that the attached papers are a true duplicate of prior application Serial No. \_\_\_\_\_ as originally filed on \_\_\_\_\_.

Date:

December 26, 2001

David C. Foster

David C. Foster, Reg. No. 44,685  
Patent Agent for  
Robin M. Silva, Reg. No. 38,304

Address of Signer:

Suite 3400, Four Embarcadero Center  
San Francisco, California 94111-4187  
Telephone: 415-781-1989

☒ Attorney or agent of record

☐ Filed under Section 1.34(a)

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